

REMARKS

This Amendment is a reply to the Office Action mailed on January 22, 2008. Claims 1-6 and 9-20 are pending in the patent application. Claims 1 and 10 have been amended. A petition for a one-month extension of time and a Request for Continued Examination (RCE) are submitted with this Amendment. No new matter has been added by this Amendment.

Claims 1-6 and 9-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,907,671 to Duvivier. Applicant respectfully disagrees with and traverses this rejection for the following reasons.

Claims 1-6 and 9-10 are directed to a single piece, hand-held container made of a non-reactive material for high temperature preparation of materials for testing in the presence of an electrolyte, where the container is at least partially covered with a coating that is non-reactive to the electrolyte. Duvivier doesn't disclose such subject matter. Instead, as stated in Applicant's previous response, Duvivier is directed to a coating process which applies a coating to a base material. Duvivier does not disclose that the base material itself is a non-reactive material as recited in claim 1. Furthermore, Duvivier discloses applying a coating to prevent reactions with the base material which means that the base material is not made of a non-reactive material. Duvivier also does not disclose any coatings that are non-reactive with electrolytes.

Further, the Examiner states that "[i]t is also interpreted by the examiner that any container that is capable of holding any liquid or fluid such as an electrolyte is non-reactive to a particular point in time." (See the Office Action, page 3). The Examiner further states that "[i]f a container is 'used for the purposes of transferring fluids from one place to another, the container is non reactive.'" (Id.) Applicant disagrees.

Duvivier does not disclose or suggest that the base material or base container is non-reactive. One cannot make the generalization that a container is automatically non-reactive because it can be used to transfer fluids. The only generalization that can be made is that the container is substantially, non-permeable so that water or other fluids cannot leak out of it. For example, many corrosive acids can be carried in a container and yet immediately react with metal or the other materials that form the container when in immediate contact. Therefore, the container in Duvivier is not non-reactive merely because a fluid or liquid can be transferred in it. Also Duvivier does not disclose or suggest that the container is non-reactive.

Amended claim 10 includes similar subject matter as claim 1 and is directed to a single piece container made of a non-reactive material for holding materials in the presence of an acid. A coating is applied to the container that is non-reactive with at least the acid. Therefore, for the same reasons provided above with respect to claim 1, Duvivier does not disclose the subject matter of amended claim 10. Further, Duvivier does not disclose any coatings that are non-reactive with acids. Accordingly, Applicant submits that claim 1 and amended claim 10, and the claims that depend therefrom, are each patentably distinct over Duvivier and in condition for allowance.

Claims 1-6, 9-10 and 13-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by International Patent Document No. WO 03-106371 to Imam. Applicant disagrees with and traverses this rejection for the following reasons.

As stated above, claim 1 is directed to a single piece, hand-held container made of a non-reactive material for high temperature preparation of materials where the container is at least partially covered with a coating that is non-reactive to electrolytes. Amended claim 10 is directed to a single piece, hand-held container made of a non-reactive material for holding

materials in the presence of an acid that has a base connected to sides of the container forming an internal cavity that contains the materials and acid, and which is at least partially covered with a coating that is non-reactive to at least the acid. Imam does not disclose or suggest such subject matter.

Imam discloses a method of forming a ceramic material or body such as a crucible made of graphite and silicon carbide that can hold molten substrates at temperatures as high as 1400°C. (See the Abstract; page 5, lines 14-18). Imam does not disclose at least partially covering or coating the container or crucible with a coating that is non-reactive to electrolytes or acids. Instead, Imam discloses that a glaze is applied to the crucible to protect against oxidation. The glaze is generally non-reactive with the oxygen in the air. Imam, however, does not disclose that the glaze or any other coating can be applied to the crucible to be non-reactive to electrolytes or acids.

Accordingly, Applicant submits that amended claims 1 and 10, and the claims that depend therefrom, are each patentably distinct over Imam and are in condition for allowance.

Claims 10-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,858,767 to Borin. Applicant disagrees with and traverses this rejection for the following reason.

Borin discloses a plastic container for storing liquids. Borin does not disclose or suggest a single piece, hand-held container made of a non-reactive material for high temperature preparation of materials that is at least partially covered with a non-reactive coating. Furthermore, Borin does not disclose or suggest any coating that is non-reactive to acids as recited in amended claim 10.

For at least these reasons, Applicant submits that claim 10, and the claims that depend therefrom, are each patentably distinguished over Borin and in condition for allowance.

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Duvivier in view of Bol'shakova. Applicant disagrees with and traverses this rejection for the following reasons.

Claim 16 is directed to a single piece, hand-held container for preparing or testing materials that is resistant to acids and temperatures of at least 400°C made of a graphite or graphite composite material having a thermal conductivity of 40 to 120 W/(m*K). The combination of Duvivier and Bol'shakova does not disclose or suggest this subject matter.

Duvivier does not disclose or suggest a single piece, hand-held container made of a non-reactive material for preparing or testing materials that are resistant to acids and high temperatures where the container is at least partially covered by a coating that is non-reactive to acids. Bol'shakova also does not disclose or suggest such subject matter. Applicant therefore submits that claim 16 is patentably distinguished over the combination of Duvivier and Bol'shakova and in condition for allowance.

Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Colombo, Ogasawara and Bol'shakova. Applicant disagrees with and traverses this rejection for the following reasons.

Claims 17-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Duvivier, Bol'shakova and in further view of AZoM.com. Applicant disagrees with and traverses this rejection for the following reasons.

Claims 17-19 depend from amended claim 16. Claim 16 includes similar subject matter to amended claims 1 and 10. Therefore, Applicant submits that claims 17-19 are at least

patentably distinct over Duvivier for the reasons provided above with respect to amended claims 1 and 10. Furthermore, Bol'shakova is added to this combination to teach the claimed thermal conductivity. Bol'shakova does not remedy the deficiencies of Duvivier. AZoM.com is added to disclose the properties of graphite recited in claims 17-19. AZoM.com does not remedy the deficiencies of Duvivier or Bol'shakova. Applicants therefore submit that claims 17-19 are patentably distinct over the combination of Duvivier, Bol'shakova and AZoM.com and in condition for allowance.

Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Duvivier, Bol'shakova and AZoM.com and in further view of SGL Carbon Group ("SGL"). Claim 20 depends from claim 16. As stated above, neither Duvivier, Bol'shakova nor AZoM.com, whether taken alone or in combination, disclose or suggest the subject matter of amended claim 16. SGL is added to this combination to disclose that the graphite is R7510. SGL does not remedy the deficiencies of Duvivier, Bol'shakova or AZoM.com. Accordingly, Applicant submits that claim 20 is patentably distinct over the combination of Duvivier, Bol'shakova, AZoM.com and SGL for at least the reasons provided above with respect to amended claim 16 and for the further reason that the combination of these references does not disclose the subject matter of claim 20 in combination with the subject matter of claim 16.

In view of the above, Applicant submits that claims 1-6 and 9-20 are patentable over the cited references. Accordingly, Applicant respectfully requests that claims 1-6 and 9-20 be deemed allowable at this time and that a timely Notice of Allowance be issued in this case.

Appl. No. 10/824,281
Amdt. dated May 22, 2008
Reply to Office Action of January 22, 2008

A check in the amount of \$465.00 is submitted herein to cover the cost for the one-month extension of time and the RCE. If any other fees are due in connection with this application, the Patent Office is authorized to deduct the fees from the Deposit Account No. 07-2069. If such a withdrawal is made, please indicate the attorney docket number (4640.78899) on the account statement.

Respectfully submitted,

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